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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,581	03/12/2004	Josef Straka	EVAC.001A	6492
20995	7590	12/20/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			RADI, JOHN A	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3641	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,581	Applicant(s) STRAKA ET AL.	
	Examiner John A. Radi	Art Unit 3641	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12-17 is/are rejected.
- 7) ☐ Claim(s) 7 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 and 8-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokoska (US 2377502), and further in view of Penberthy (US 4699338).

Kokoska discloses: a parachute comprising a plurality of gores (41, 42, 43) defining a canopy (15), the canopy comprising a top polar opening (62) defined by the upper plurality of gores, a plurality of inflation pockets (baffles 28, 29, 30) symmetrically positioned about the circumference of the canopy.

With respect to claims 1, 8, 9, 12, and 13 Kokoska does not disclose the use of a porous sections in the gore which can be used to effectuate steering. Penberthy is directed to parachutes that have symmetrical venting gores in the lower canopy (7a,

Art Unit: 3641

7b). Penberthy discloses that it is well known in the art to provide venting ports in the gores to provide steerability, especially when used in low-altitude situations, to allow the parachutist to steer closer to the intended target (col. 1, paragraphs 3 and 4).

Therefore, it would have been obvious to one skilled in the art at the time of invention to combine the steering porous gores of Penberthy with the canopy as taught by Kokoska.

With respect to claims 2, wherein the plurality of gores consists of 20 gores, Kokoska doesn't teach a canopy made of 20 gores. However, the geometry and number of gores in the canopy is directly related to the mass which can be supported by the parachute, and it would have been obvious to one skilled in the art to modify the geometry of the canopy to support the intended mass. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art, and because modifying the geometry and number of gores in the canopy effects the mass that can be supported by the canopy, it would have therefore been obvious to one skilled in the art at the time of invention to make a canopy consisting of 20 gores.

With respect to claims 3-5, regarding the trapezoidal dimensions of the gore, Kokoska teaches the use of a trapezoidal gore forming a conical canopy as shown in figures 1 and 7, but Kokoska doesn't specifically mention the dimensions of the gore being about 64.167 to about 16 to about 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dimensions of the gores to the dimensions claimed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Art Unit: 3641

With respect to claim 6, wherein the inflation pockets are positioned on alternating gores (page 3, col 1 line 75 to col 2 line 7).

With respect to claim 10, a conical canopy (figures 1 and 7), a harness comprising a first (13) and second (14) riser connected to a lower portion of the canopy lines (17-19, 41-43...). With respect to a connection point being adapted to carry a cargo bag, the point at which the canopy lines 17-19 meet can support a cargo bag by a carabiner or such.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokoska in view of Penberthy as applied to claims 1-6, 8-10, 12 and 13 above, and further in view of Douglas et al. (US 2003/0146348).

Kokoska in view of Penberthy discloses the parachute as described above, but doesn't contain specifics regarding the parachute harness. Douglas teaches an integrated parachute harness system which contains several compartments capable of storing a static line, an extension line, as well connection points (171-173) for the attachment of a cargo bag (paragraph 0031), and means for attaching to alternative rescue line (paragraph 0032). Douglas, Kokoska, and Penberthy are all in the same field of endeavor being that of parachute systems. Douglas provides the motivation for an improved harness being to consolidate the features of a storage vest, and a life saving vest into a single unit that will more likely be with the user in the event of an emergency. Therefore, it would have been obvious to one skilled in the art at the time of invention to combine the harness taught by Douglas with the canopy taught by Kokoska/Penberthy.

Allowable Subject Matter

Claims 7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

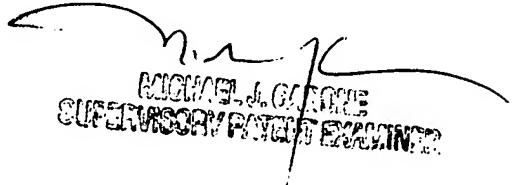
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, see attached form PTO-892 for a complete listing of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Radi whose telephone number is 571-272-5883. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MICHAEL J. CARONE
SUPERVISOR/PATENT EXAMINER